

**OPENING STATEMENT OF NEW YORK STATE
ATTORNEY GENERAL ELIOT SPITZER**

Introduction

Mr. Chairman, thank you for this opportunity, and for your continued commitment to improve the professional boxing industry. I strongly endorse the Muhammad Ali Boxing Reform Act (S. 305) and believe this legislation will curb anti-competitive and fraudulent business practices and prevent blatant exploitation of professional boxers.

In private practice, I litigated various issues that arise in this sport. There are far too many boxers over the years who have died “punch-drunk” and penniless. This industry has generated enormous wealth for virtually everyone other than boxers. Over the decades, professional boxers have had their interests ignored while left destitute, and medically at risk. The very disaster which befell Jerry Quarry must be avoided.

As Chair of the National Association of Attorneys General (“NAAG”) Boxing Task Force -- along with Illinois Attorney General Jim Ryan who serves as Vice Chair -- New York State is proud to lead a Task Force of nineteen states to work with you to protect the health and safety of professional boxers and to prevent exploitation, fraud, and restraints of trade.

The Task Force was formally established in March of 1998 by NAAG to examine interstate boxing practices in the United States, identify problems, and recommend ways to improve the industry. The Task Force conducted a public Hearing on January 19-21, 1999. Testimony was elicited from boxing promoters on their role in the industry and on the issue of long term and exclusive contractual options. Sanctioning organizations testified about the methods utilized to rank fighters. Various experts on boxers’ injuries discussed the necessity for medical clearance and the use of proper equipment and ringside safety precautions. Industry members and business leaders discussed a pension plan and charitable trust for professional boxers.

The Task Force will make recommendations to NAAG to reform certain egregious practices within the industry, to return integrity to boxing on behalf of the athletes and the ticket-buying public, and to otherwise enhance the well-being of boxing and all associated with it. I would like to submit those recommendations (when final) to be made a part of these proceedings.

My testimony highlights recommendations I find most compelling, and does not reflect the views of other Attorneys General or of the NAAG Boxing Task Force. The Task

Force looks forward to discussing its full recommendations in the near future.

Independent Boxing Poll

I fully support the United States Congress in its legislative efforts to make sanctioning organizations more accountable and to make professional boxing a more honest, legitimate, and competitive sport. I therefore advocate that a new system of ranking professional boxers be developed by a private organization of boxing writers, broadcasters, and historians, accountable to a private Board of Internal Affairs.

Such an "Independent Boxing Poll" is necessary because sanctioning organizations, the bodies which currently rank professional boxers, have failed to establish objective and consistent criteria. In short, many of their rankings are highly suspect, resulting in mismatches, and an unhealthy control over bouts, championships, and fighters' careers.

A Board of Internal Affairs, comprised of approximately five to seven individuals, would be established prior to the creation of a Poll. The Board would be primarily responsible for ensuring that the Chair is fulfilling the duties of maintaining the integrity and accuracy of the Poll Members and their rankings. Individuals who are affiliated with the current sanctioning organizations, or who would present a conflict of interest, would not be permitted membership.

The Chair would assemble members of the Poll. The Chair and Board of Internal Affairs would carefully select and monitor members to ensure that there is no bias, geographical or otherwise. The Chair would be primarily responsible for compiling the rankings, and disseminating the results.

Poll membership would be open to approximately thirty to forty boxing writers, broadcasters, and historians. Members would be selected within the United States and abroad. The Poll must maintain a sufficient number of members to minimize bias, and must represent a proportional cross-section of the international boxing community.

The Board would establish criteria for dismissal of a Chair and Poll Members who failed to maintain integrity and accuracy.

With an established, trustworthy, and accountable independent Poll intact, I believe sanctioning organizations would come under enormous pressure from boxing writers, television networks, and the public to conform their rankings accordingly.

Sanctioning organizations may come under further pressure if the Chair and Board of Internal Affairs decide to, under contract, supply their rankings to a newly created sanctioning organization sponsored by one or more corporations.

I believe the public would embrace such an independent and accountable sanctioning organization which would be unlike all of the other sanctioning organizations since it would be responsible for creating rules pertaining to awarding a championship title, challenger rights, title defense requirements, issuing a belt, and appointing a commissioner and board of directors, but would not be permitted to influence the rankings.

Consensus Scoring

The recent decision in the championship fight between Lennox Lewis and Evander Holyfield has highlighted a need for a new system of scoring to maximize competitive results. I am endorsing a system, called “Consensus Scoring”, to achieve such a result.¹ With a Consensus Scoring System, each of three judges’ scorecards would be compared on a round by round basis. After each round, a consensus would be reached by rejecting the decision of the aberrant judge. By forming a consensus scorecard for each round, aberrations would be of no consequence since the two judges would be able to overrule the other judge for a particular round.²

(**Note:** In the following example, under the current system, judge 1 scored the fight a draw, judge 2 scored the fight for Lewis, and judge 3 scored the fight for Holyfield. The final result was a draw.

<u>Round</u>	<u>Judge 1</u>	<u>Judge 2</u>	<u>Judge 3</u>		<u>Consensus</u>
1.	Lewis 10-9	Lewis 10-9	Lewis 10-9	⇒	Lewis 10-9
2.	Lewis 10-9	Lewis 10-9	Lewis 10-9	⇒	Lewis 10-9
3.	Holyfield 10-9	Holyfield 10-9	Holyfield 10-9	⇒	Holyfield 10-9
4.	Lewis 10-9	Lewis 10-9	Holyfield 10-9	⇒	Lewis 10-9
5.	Lewis 10-9	Lewis 10-9	Holyfield 10-9	⇒	Lewis 10-9
6.	Holyfield 10-9	Lewis 10-9	Lewis 10-9	⇒	Lewis 10-9
7.	Even 10-10	Lewis 10-9	Lewis 10-9	⇒	Lewis 10-9
8.	Holyfield 10-9	Holyfield 10-9	Holyfield 10-9	⇒	Holyfield 10-9
9.	Holyfield 10-9	Holyfield 10-9	Holyfield 10-9	⇒	Holyfield 10-9
10.	Even 10-10	Holyfield 10-9	Holyfield 10-9	⇒	Holyfield 10-9
11.	Holyfield 10-9	Even 10-10	Holyfield 10-9	⇒	Holyfield 10-9
12.	Lewis 10-9	Lewis 10-9	Lewis 10-9	⇒	Lewis 10-9
TOTAL:					
Holyfield	115	113	115	⇒	113
Lewis:	115	116	113	⇒	115
Winner:	Draw	Lewis	Holyfield	⇒	Lewis

Consensus scoring would have declared Lennox Lewis the champion).

Uniform Medical Standards

¹ I thank Dr. Ralph S. Levine (Co-Director, The Pew Forum on Standards-Based Reform (Stanford University), D.Ed. (Harvard University), M.A.T. (Mathematics, Harvard University) for his proposal on consensus scoring.

² If at least two judges score the round as “even”, or all three judges differ, the consensus for that round would be a draw (awarding ten points to each fighter).

To protect the health and safety of boxers, I support the implementation of a Medical Risk-Assessment Classification by all Commissions. Upon meeting any element of a high-risk classification (which I will define shortly), a State Athletic Commission would be required to impose a temporary suspension (to be honored by all States) until a fighter received an MRI (magnetic resonance imaging); a neurological examination conducted by a neurologist; any follow-up recommended by that neurologist; and an EEG.

A high-risk classification would be comprised of the following elements: Advanced age (40 years or older); consistent poor performance (15 or more losses, 6 consecutive losses; or 3 consecutive losses by TKO or KO); long duration of career (350 or more rounds); a severe knockout (a severe concussion -- grade 3, or any difficulty in a bout where the ring physician recommends more medical tests); or inactivity (30 months or more).

As a tool for the medical benefit of professional boxers, I support Federal legislation that would require a professional boxer's medical data to be stored in a central databank and released to a relevant State Athletic Commission and ring physician (upon authorization by the fighter). The fighter should, of course, be permitted to obtain that data, and rely on legislation requiring that released medical data be kept strictly confidential.

Such a databank might contain a fighter's baseline MRI, neurological examination, eye examination, EKG, and medical history. The results of any medical examination required of a fighter should be submitted to the databank.

Uniform Rules and Regulations

Professional boxing needs nationwide uniformity. State Commissions should therefore adopt uniform rules and regulations to provide a foundation for the integrity all have come to expect and demand of other professional sports.

Accordingly, every state athletic commission should make diligent efforts to ensure the competitiveness of a proposed match prior to approval. To that end, commissions must seek reliable statistical information establishing the relative abilities of both participants. Such information should include professional boxing records (and amateur experience if appropriate); current medical conditions; a record of performance in recent fights; and a comparison of the participants' age and experience.

I support a system to stem short-term loss of a significant percentage of body weight immediately prior to a bout. Promoters should be required to file with the commission, at least 7 days prior to any scheduled event, bout contracts that include a designated weight for each participant. Weigh-ins for all bouts should be conducted in two parts. The initial weigh-in should take place seven (7) days prior to the scheduled bout. Ideally the second weigh-in, the pre-bout weigh-in, should take place no less than 24 hours prior to the scheduled start of the bout and in no case should the pre-bout weigh-in take place less than eight (8) hours before the scheduled start of the bout. Each participant shall be limited as to the amount of weight that can be lost between the initial weigh-in and the pre-bout weigh-in. The Task Force will recommend uniform standards

pertaining to the boxing ring, boxing equipment, and bout rules.

The state commissions should also determine whether the opponent of a champion is of a sufficient caliber to justify public expectations that the bout will be a legitimate “championship” bout. In making that determination, a commission should seek additional information from recognized ranking entities including independent publications and an independent boxing poll to rank professional boxers.

Appointment of Referees, Judges, and Ring Physicians

Every state commission must exercise exclusive control over the appointment of all referees and judges. State commissions should refuse to allow a judge or referee who is an officer or director of a sanctioning organization to participate in a bout sanctioned by that organization.

In addition, membership or status as an “officer” or “director” in a sanctioning organization should not be used as a criteria for the appointment of a judge or referee by the State Athletic Commission.

To maintain quality, the Association of Boxing Commissions (“ABC”) should develop a standardized testing program to be administered to judges and referees. Prior to receiving a license, judges and referees must pass the examination administered by the ABC.

To be licensed as a referee, an individual must have officiated previously in amateur competition or in other states or jurisdictions. The commission may consider any other training including attendance at seminars conducted by the commission. I believe that all referees should be required to receive general medical training and that referees should be required to attend a minimum of two medical training seminars each year. These medical training seminars would be conducted or approved by any state boxing commission or any recognized boxing organization.

To be licensed as a judge, an applicant must be conversant with the rules and regulations of the commission governing bouts. To be licensed as a judge, an individual must have officiated previously in amateur competition or in other ABC states or jurisdictions. The commission should consider any other training including attendance at seminars conducted by the commission.

To be licensed as a ringside physician, a physician must possess a medical license from the state, be in good standing in that state, and have experience as a licensed physician for a minimum of two years. Ringside physicians should be required to receive training in ringside medicine.

Promoter/Manager Application and Licensing

Promoters and managers must, at all times, be held to a high standard of honesty and integrity. To that end, it is imperative that all such individuals should be licensed and regulated, regardless of designation or self-imposed title. The fact that the person holds himself

or herself out as an “advisor” or a “booking agent” should be of no consequence. Likewise, if an attorney advises a boxer and receives compensation for such advice, the attorney should be licensed and regulated.

Currently, under consideration is whether broadcast companies that are responsible for the payment of a purse to a boxer should be subject to similar licensing requirements.

Model Contracts

In support of the Muhammad Ali Act’s strong curbs on blatant contractual exploitation of professional boxers, I am in favor of a model bout contract and a model boxer/manager contract. These model contracts are being reviewed by the Task Force for inclusion in our full recommendations.

Focusing on full disclosure, each model contract specifies the rights and responsibilities of all parties, such as contest requirements; compensation (including a full accounting and disclosure of all deductions from a purse); licensure and remedies for lack of good faith; collusion, or breach of contract (including arbitration provisions). A few provisions will require statutory or regulatory authorization in some States, and have been identified accordingly.

Pensions/Charitable Trusts

The sport of boxing has suffered for lack of financial protection for professional boxers. As a long-term solution, Congress should consider legislation amending current statutes to permit a mandatory qualified boxer pension plan sufficiently flexible to accommodate the dynamic nature of the sport.

More immediately, however, a charitable organization, such as a national retired boxer charitable trust, that provides assistance to needy boxers in the United States is needed.

I am aware of the efforts of the Association of Boxing Commissioners to create a Retired Boxer Charitable Trust. I support federal legislation to require financial commitments from boxing promoters, broadcasters, and sanctioning organizations. I believe that Congress should lead this effort, enabling an initial appropriation to fund the trust corpus.

A single page boxer registry to be administered by the State Boxing Commissions should be created. Such a registry, to be used with a charitable trust, would contain financial, medical, and boxing record information of all professional boxers. State Commissions would be responsible for contacting retired boxers as well.

Additional Recommendations

In an effort to empower professional boxers and create a foundation for full disclosure and boxer education, the Task Force will issue a “Professional Boxers’ Bill of Rights”

with its recommendations.

Finally, I am particularly encouraged by the proposed enforcement guidelines of the Muhammad Ali Act which would permit a State, as *parens patriae*, to bring a civil action on behalf of its residents in an appropriate district court of the United States for violations of the Act. The authority to enjoin the holding of a professional boxing match, and to enforce compliance with the Muhammad Ali Act, is necessary to ensure lawful and responsible boxing industry compliance with national reforms. I recommend that the Muhammad Ali Act include a notice provision requiring all parties who bring a private right of action in Federal Court to serve notice, at or before the commencement of a civil action, upon the appropriate State Attorney General.

Conclusion

New York State stands ready to support the United States Congress in its efforts to improve professional boxing. I am confident that by working with you we can make a difference to curb anti-competitive and fraudulent business practices and protect the health and safety of professional boxers.